

AMOUNT \$ 1.00
SUMMONS ISSUED 11/1
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. 11
DATE 8-26-04

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS, EASTERN DIVISION

PATRICIA M. COLBURN

Plaintiff,

v.

IBEW LOCAL 2133 (RICHARD CAPELLO),
IBEW LOCAL 2222 (MYLES CALVERY),
VERIZON.

Defendants.

CIVIL ACTION NO.

(Related Case: 04-CV-11784MLW)

04-11

NOTICE OF REMOVAL

MAGISTRATE JUDGE Collins

Pursuant to 28 U.S.C §§ 1331, 1441 and 1446, and for the sole purpose of removing this matter to the United States District Court for the District of Massachusetts, Defendant, Verizon (properly known as Verizon Communications, Inc.) ("Verizon") states the following.

1. State Court Action.

Plaintiff, Patricia filed this action against Defendant in the Superior Court of the Commonwealth of Massachusetts for Suffolk County, docket number PLCV2004-00889. (A true and accurate copy of the Complaint, summons and civil action cover sheet is attached as Exhibit A). The Plaintiff filed the same action against Richard Capiello, which was previously removed to this Court on August 19, 2004. That action is entitled Colburn v. Capiello, Docket No. 04-CV-11784MLW. The Plaintiff served Verizon on or about August 6, 2004.

2. Federal Jurisdiction.

The Complaint, although vague and unclear, appears to be a hybrid wrongful termination/fair representation action under § 301 of the Federal Labor Management Relations Act, 29 U.S.C. § 185. Consequently, this Court has original jurisdiction over this matter under the provisions of 28 U.S.C. § 1331, and this matter is properly removable to this Court under the provisions of 28 U.S.C. §§ 1441 and 1446.

3. Timeliness of Notice of Removal.

Verizon first received a copy of the Complaint on or about August 6, 2004. Removal of this action is, therefore, timely under 28 U.S.C. § 1446(b).

4. Relief Requested.

Defendants request that the United States District Court for the District of Massachusetts, Eastern Division, assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

5. Notice to the Plaintiff and State Court.

A copy of this Notice of Removal was served upon the Plaintiff via certified mail, return receipt requested and on the Plymouth Superior Court via regular mail on August 25, 2004.

Respectfully submitted,

VERIZON COMMUNICATIONS, INC.

By their attorneys,



Timothy P. VanDyck, BBO #548347

Windy L. Rosebush, BBO #636962

EDWARDS & ANGELL, LLP

101 Federal Street

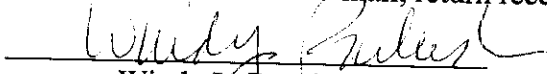
Boston, MA 02110

Telephone: (617) 439-4444

Date: August 25, 2004

CERTIFICATE OF SERVICE

I, Windy L. Rosebush, hereby certify that on August 25, 2004 I caused a copy of the foregoing document to be served upon all counsel of record and Patricia M. Colburn, *pro se*, 100 Kenelworth Avenue, Brockton, MA 02301 via certified mail, return receipt requested.


Windy L. Rosebush

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS, EASTERN DIVISION

PATRICIA M. COLBURN

Plaintiff,

v.

IBEW LOCAL 2133 (RICHARD CAPELLO),
IBEW LOCAL 2222 (MYLES CALVERY),
VERIZON.

Defendants.

CIVIL ACTION NO.

(Related Case: 04-CV-11784MLW)

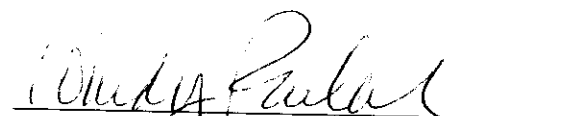
NOTICE OF APPEARANCE

Please enter the appearance of Timothy P. Van Dyck and Windy L. Rosebush of Edwards & Angell, LLP as counsel for Defendant, Verizon, properly known as Verizon Communications, Inc., in the above-referenced proceeding.

Respectfully submitted,

VERIZON COMMUNICATIONS, INC.

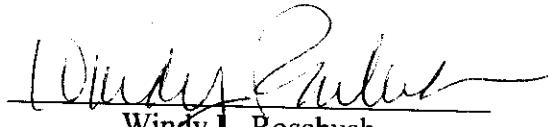
By their attorneys,


Timothy P. Van Dyck, BBO #548347
Windy L. Rosebush, BBO #636962
EDWARDS & ANGELL, LLP
101 Federal Street
Boston, MA 02110
Telephone: (617) 439-4444

Date: August 25, 2004

CERTIFICATE OF SERVICE

I, Windy L. Rosebush, hereby certify that on August 25, 2004, I caused a copy of the foregoing document to be served upon all counsel of record and Patricia M. Colburn, *pro se*, 100 Kenelworth Avenue, Brockton, MA 02301 via certified mail, return receipt requested.


Windy L. Rosebush

PLYMOUTH, ss.

SUPERIOR COURT DEPARTMENT OF THE
TRIAL COURT OF THE COMMONWEALTH
CIVIL ACTION

AUG 6 2004

NO. PLCV 2004-00889-A

Patricia M. Colburn

Plaintiff(s) 100 KENELWORTH AVE
BROCKTON, MASS, 02301

Verizon vs.

c/o Donna Cepelo
President of CEO of Mass.

Defendant(s) 185 Franklin St
Boston, Mass 02110
617-743-8876

SUMMONS

To the above-named defendant :

You are hereby summoned and required to serve upon *PATRICIA M. COLBURN* plaintiff attorney, whose address is *100 KENELWORTH AVE*, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Brockton either before service upon plaintiff attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff claim or you will thereafter be barred from making such claim in any other action.

Witness
Suzanne V. DeVecchio

Esquire, at Brockton, the *19th* day of
July, in the year of our Lord ~~one thousand nine hundred and~~ *2004*

Francis R. Powers
CLERK.

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. To plaintiff's attorney: please circle type of action involved - Tort - Motor Vehicle Tort - Contract - Equitable Relief - Other.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on _____, 19____, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant _____, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5):

Dated: _____, 19____

N. B. TO PROCESS SERVER:-

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

, 19____

**CIVIL ACTION
COVER SHEET**

Case 1:04-cv-11859-MW Document 1 Filed 08/25/2004 Page 7 of 17

AUG 6 2004

Trial Court of Massachusetts
Superior Court Department
County:



PLAINTIFF(S)

PATRICIA M. COLBURN MASS02301
100 KENNEL WORTH AVE BROCKTON

DEFENDANT(S)

VERIZON 125 HIGH ST. BOSTON
IBEW - LOCAL 2133 RICHARD CAPELLO
100 WEST GROVE ST MIDDLEBORO 02746
IBEW LOCAL 222 MYLES CAIVERY
122 QUINCY SHORE DRIVE
QUINCY MASS 02171

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

myself

Board of Bar Overseers number:

Origin code and track designation

Place an x in one box only:

- ☒ 1. F01 Original Complaint
☐ 2. F02 Removal to Sup.Ct. C.231, s.104
(Before trial) (F)
☐ 3. F03 Retransfer to Sup.Ct. C.231, s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
☐ 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)
CODE NO. TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?

B99

Civil

(F)

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

- | | |
|------------------------------------|----|
| 1. Total hospital expenses | \$ |
| 2. Total Doctor expenses | \$ |
| 3. Total chiropractic expenses | \$ |
| 4. Total physical therapy expenses | \$ |
| 5. Total other expenses (describe) | \$ |
| Subtotal | \$ |

B. Documented lost wages and compensation to date

- | | |
|--|----|
| C. Documented property damages to date | \$ |
| D. Reasonably anticipated future medical and hospital expenses | \$ |
| E. Reasonably anticipated lost wages | \$ |
| F. Other documented items of damages (describe) | \$ |

PENSIO, OT, VACATION TIME, 401, \$250,000.00

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

HURT LEFT HAND ON 500 - GOT DEPRESSION, ALSO AM I A
SUFFERING, I AM A WIDOW - NO INCOME FOR 2 YRS.
100 MILLION
TOTAL \$ 100 MILLION

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

VERIZON
Retire me after working 25 1/2 yrs but hard on job - 100 MILLION
and have Depression
UNION - Did not get my 500 BACK OR HELP ME
TOTAL \$ 100 MILLION

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

Patricia M. Colburn

DATE: 7/19/04

THIS IS THE CASE AGAINST VERIZON AND THE UNION

I was an Employee for Verizon for 25 ½ years. When I was working for Mr. Michael Shea, he was the nicest Boss anyone could ask for if I had a problem he would help me. I had a lot of bad luck in my life, but Mr. Shea would work with me to help you not punish you. I took many setups (management) for Mr. Shea and I was good at what I did. I always gave my all. I was a dedicated employee. Until I transferred to a different department, this was just moving my seat. My new second Level was Gary Giard and this was the boss from hell he had all these rules that he made up which was that only 1 night person can be off at a time.

Well I was driving to work on the highway, my truck just stopped going I was in the middle lane, and I was scared I was stepping on the gas but nothing was happening. I got my truck off to side of the road, called my boss, and told her what was happening, I asked for an emergency vacation day but there was someone off already. Mrs. Craig said you know the rules that meant I had to ask Mr. Giard I said I will be late I am calling A AA for help and would call back. Then a state trooper stopped to help me with my truck. It started right up for him and he said sometimes the trucks gas gage are off and I might be out of gas he followed me to a gas station I fill my truck and went off to work that was July 18, 2000. Well not even a week went by and it happen again this time it was pouring raining my truck just stopped I got it to the side of the road call my boss Maryann Craig and said I need to have and emergency day off my truck died again. Well she said you know I cannot give you a day off you need to speak with Mr. Giard. His reply was you seam to ask for many days off for emergency. I said well come and get me I am on the highway. I am waiting for AAA road service to come and Mr. Giard, put me in for no payday. Now I do have paid vacation days but Mr. Giard does not break any of his rules. The problem with my truck was the alternator and when it rains; your truck will just stop. Mr. Giard has giving days off for other employees (Her name is Nancy Reynolds).

Well bad luck hit my life again My daughter woke up in the middle of the night complaining of very bad cramps and that she was bleeding I got up and realized she was hem urging I rushed her to the hospital which I was there all night I believe it was 2am when we got to the hospital. The doctor informed me my daughter had a miscage and was hem urging and need to stay in the hospital that day and the next 3 days she need to say in bed. Well

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now, I have to call work I hated to speak with Mr. Giard. I called Maryann Craig who is my first level manager I told her my story and she said I would give you the time off but I had to go thru Mr. Giard. Well I told him the story and his reply was what you want me to do. I told him I need the time off and I did have vacation days left he said no. I told him I was taking the time off that this was an emergency. This was on August 23, 2000. He told me it would be no pay. I called my Union and filed a grievance. The union would not help me so I called Ethic and they said that they would look into the matter and there answer to me was that I would not be in any trouble for any reason for this occasion.

Please note I just got back to work from being on strike, which was no pay. I lost my Dad then my Mom and then my husband he committed sue-side, I am a widow and I am self-supporting and all I have let is my daughter. I could not afford to keep taken no paydays I got my self all upset and fell into a deep depression I went to my doctor who was Dr. Post. He put me out of work and treated me for depression. I could not understand why any boss would treat any human being like this. Well I found out later that because I reported Mr. Giard to the Union on an issue he was out to get me. I called my Union they did nothing for me. Mr. Giard had given Nancy Reynolds paid, vacation time off any time she need it. I asked why and Mr. Giard reply to me was her son is dieing. (Nancy son had Leukemia) Well her son is still alive. To me Mr. Giard did not care about my daughter I could have lost her. She could have bled to death this was a serious situation.

Well while I was out of work, a friend called me and told me that there were bids for a different job in Boston but they were moving to Braintree. I put in for the bid right away and I got the job and was glad to get out of Mr. Giard department. I was very happy to get away from Mr. Giard and I knew my new second Level boss because I worked for him in the past he is Joseph Rooney. I did not know my first level Manager His name was Kevin Devin well everything was going fine. Until this new Girl named Tina McCleary came into our department, I saw her coming in every day at 4:45pm, 5pm, and 5:15 but never at 4:30pm. I asked her what hours do you work she answered 4:30pm. Well I asked why you are always late. Everyday she comes in late and she only lives down the Street. She said I have to wait until my husband gets home to baby sit the kids. I told her that this is not fair I and one other girl named Stephanie Matthess are closing out all the technicians and we needed her here to help. Tina answer was she is not going to pay a baby sitter for ½ hour. Well I know it is not my business but

I took my job very serious and I believe that the company is paying us to be here on time and doing our jobs. However, every day the same routine Tina comes in late and gets on the Telephone to her husband, planning baby shower, buying a house I heard it all. Well I got to my braking point. I was on line helping a tech and had the business on the same line and I could not hear them because Tina was talking loud and laughing on a social call. I stud up and said to her do you mind my tech and the customer can hear you. Do you mine lowering your voice and do some work. Stephanie and I are the only two on line. I then went to Barbara the Union Stuart for help with this problem. I asked her to speak with Tina McCleary about her not doing her work because it was affecting her fellow union members. The Union Stuart took an observation on Tina and me and said that I only did one call more than Tina did. However, what Barbara did not know was that when Tina came in I went off line doing a project for the boss. I informed Barbara the Union girl that if she did not talk to Tina I was going to Management and she said I better not. Well I did not care I was going to report this to my boss Kevin I know I could not use her name but I was not letting this happen to me again. I already went thru this situation in the Brockton with a Girl named Terry Kelly. She use to come into work and do nothing but read her books. I also went to the union for help and again they did nothing until Ethics was coming in to investigate. That's when I had everyone attention the Union and Management. They did not want Ethics to come in. They wanted to resolve the situation all the company did was move her seat away from me. No discipline was ever given to Terry the boss just told her to stay away from me and I stay away from her. Which was fine she would sit over by the window and read all day long and nothing was done (I believe that it was because she was a lesbian and no one would say anything because she would bring them up on decimation charges.)

Well now, I hurt my hand on the job. Therefore, I went to the doctors for my hand and she thought it was carpel tunnel and put a brace on it and put me out of work for a week. What I was going thru at work and my attendance was not the greatest (not my fault). I went into depression and went to my doctor for help and he put me out of work. This was March 15 2001. I called Kevin Devon and said I would not be in for the rest of the week. Kevin put on my Attendance Report I said I have a cold. This was not true why I would say I have a cold when I had a doctor note saying I had carpel tunnel. I called the absence-reporting center and told Mr. Mark Nordstrom from Aetna that I hurt my hand on the job and I am out of work with depression. Mr. Nordstrom answer to me was that my hand may get

better why I and out with depression. Time went by now I get a letter saying I need to go to there doctor who was Dr. Pick he said there was nothing wrong with my hand (But I have receive Cortisone short for the pain. Well now, I receive a letter to return to work. I got a worker comp Lawyer Mr. Steven Kantrovitz. I had a hearing if that what you want to call it all I know is the Judge said that I had no case and I should take the settlement which I had no other choose. The amount they gave me was \$15,000.00 I got \$12,000.00 after paying my lawyer and I told them I was not paying back Unemployment (I got \$18,447.00). I got a letter saying I had to return to work on Dec. xx, 2001 well my lawyer responded with a letter saying my doctor said I could no longer do that work. Now the Union has created jobs for other people for one Bob in Taunton they created a Mail job for him. Now 2 months have gone by with no response from the letter my Lawyer sent. Therefore, I thought everything was all set. Then I received a registered letter saying I was terminated as of Dec. 15, 2001. I got the letter on Feb. 1, 2001 now I was calling my Union and they said they do not handle worker's comp. I told them that I got terminated and Her answer to me was what do you want me to do I said to get my (F--King) job back the Union person I was dealing with was Sheila she did nothing I set in grievance to her for my job back. Next thing I know she is no longer with the Union. Now I am dealing with Myles Calvery the head of the Union and his reply to me was what are you F---King stupid that you did not return to work? I tried to explain to him that I was waiting for a reply from the letter my lawyer sent. I am not stupid I would have gone back to work and I could have gone out the next day. He was rude to me and said he could not do any thing for me. Well I called him back and said you can try to do something for me. I even said try to get me at least my pension. I called him back days later and he told me if I drop the Mass. Discrimination charges against the company that he could get me my pension I was so mad I told him no. I said you are supposed to be helping me not the company.

We all work for the same company now remembers I asked for vacation time off for my daughter when she was in the hospital. Mr. Giard said no but at my new location a girl got time off because her CAT died.

Now new rules for my new (union) local 2222 again we all work for same company and there rules were different when it came to Overtime. Local rules were if you are on the same vacation sheet and the same

overtime sheet, the overtime should be equal which was not that way in local 2222 they give overtime out by shift. Which I complain to Sheila at the Union office she was very rude to me and hung up on me. I believe that all the money I gave to my union dues and all the times I walked the pick lines I should have had the union on my side and fighting for me. Not treating me like a piece of garbage. No wonder why I am suffering from depression this got me so mad I wanted to scream at the top of my lungs at my union rep. Help me, Help me you helped many other employees to get there jobs back. Why not me?

How can there be so many different rules if we are all the same.

The rules for dismissal are as followed

- 1. Verbal**
- 2. Letter in your folder**
- 3. 1 day suspension**
- 4. Week suspension**
- 5. Month suspension or termination**

I ONLY WAS SUSPENSION FOR 1 DAY THEN I WAS TERMNATED

**THE COMPANY GOES BY OCCATION NOT THE NUMBER OF DAYS
YOU ARE ABSENT. YOU CAN BE OUT SICK FOR 50 DAYS AND
THAT WOULD ONLY COUNT FOR ONE OCCATION.**

These are just a few names that I know that have been fired and all got there jobs back.

1. Paul McSweeney - Drunk driving a company vehicle and hitting a pole.
2. Jackie Thrower - drunk driving a company vehicle.
3. John Rodowski - when he left a union meeting drunk driving and killed someone.
4. Bill Tirrell Drunk - driving and killed someone and he got his pension.
5. Timmy Egan - drunk driving.
6. Thomas Lassiter - left keys in his company truck when he was in a bar the company truck was stolen.
7. Robert Chiqli - could not find him.

These girls were fired for absentee and all got there jobs back.

1. Marie Verilla - got fired 4 or 5 times for bad absentee not sure.
2. Claire Catelotti - bad absent record fired.
3. Lisa Skapik - bad absent record.

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My witnesses are:

Michael T. Shea works for Verizon
54 Bavarian Way
Kingston, Mass. 02364

Peggy Bingel
8 Middlesex Ave
Norton, Mass. 02766

Patricia Biziak
459 Robinson Ave.
Attleboro, Mass. 02703

Mr. O'Brien- retired boss from Verizon
79 Donald Street Apt. 33
Weymouth, Mass. 02188

Stephanie Blanchard (Troy)
24 Stephanie Lane
Bridgewater, Mass. 02324

I have letter from Supervisors that I use to work for

1. Sherry Long

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Patricia M. Colburn

(b) County of Residence of First Listed Plaintiff Plymouth**04**

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

IBEW Local 2133 (Richard Capello)

IBEW Local 2222 (Myles Calrery)

Verizon

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro Se

100 Kenelworth Ave.
Brockton, MA 02301

Attorneys (If Known)

IBEW Defendants - Harold Lichten
Verizon - Timothy P. Van Dyck and
Windy Rosebush**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 152 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input checked="" type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Plaintiff is a former employee of Verizon and member of an IBEW Local Union who claims wrongful termination and unfair representation pursuant to LMRA §301

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY** (See instructions):JUDGE
E MLW

DOCKET NUMBER 04-11784

DATE
8/25/04

SIGNATURE OF ATTORNEY OF RECORD

Windy Rosebush

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Patricia M. Colburn v. IBEW Local 2133, et al
-
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
- Colburn v. Cappiello, 04-11784 MLW
-
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☒ NO ☐
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☒
- (PLEASE TYPE OR PRINT)
- ATTORNEY'S NAME Timothy P. Van Dyck and Windy L. Rosebush
- ADDRESS Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110
- TELEPHONE NO. 617-439-4444